

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

LeDon Spurling,  
Petitioner

v. Case No. 1:07-cv-748

Ohio Adult Parole Authority,  
Respondent

**ORDER**

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed March 19, 2008 (Doc. 13).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Petitioner's motion for summary judgment is **DENIED**, and petitioner's petition for writ of habeas corpus is **DENIED** with prejudice.

A certificate of appealability will not issue with respect to the claims alleged in Grounds Three through Seven of the petition, which are barred from review on procedural waiver grounds.

A certificate of appealability also will not issue with respect to the claims alleged in Grounds One and Two of the petition, because petitioner has not made a substantial showing that he has stated “viable claim[s] of the denial of a constitutional right” or that the issues presented are “adequate to deserve encouragement to proceed further.” *See Slack*, 529 U.S. at 475 (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)); *see also* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

This Court certifies that pursuant to 28 U.S.C. § 1915(a)(3) an appeal of this Order would not be taken in good faith, and therefore DENIES petitioner leave to appeal *in forma pauperis*. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6<sup>th</sup> Cir. 1997).

Date: April 11, 2008

s/Sandra S. Beckwith

Sandra S. Beckwith, Chief Judge  
United States District Judge